

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RONALD CUTHBERTSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:11-cv-582

Diott, J.

Bowman, M.J.

ORDER TO SHOW CAUSE

On August 24, 2011, Plaintiff tendered a complaint in this court seeking to appeal a decision of the Commissioner of Social Security under the Social Security Act. Plaintiff's motion to proceed *in forma pauperis* was granted and on October 31, 2011, the Commissioner filed and served its answer and a certified copy of the administrative record, including the transcript of the hearing held before the administrative law judge. The record reflects that Plaintiff was represented by counsel at the administrative level, (see Doc.6-2 at 9), but that he proceeds *pro se* on appeal to this Court.

Pursuant to the Magistrate Judges' General Order Concerning Social Security Appeals, Plaintiff was required to file a "Statement of Errors" within forty-five (45) days of service of the answer and administrative record. When Plaintiff failed to file a timely Statement of Errors, and in recognition of the fact that Plaintiff may not have been aware of his obligations as a *pro se* litigant, the Court entered an Order directing the Clerk to serve Plaintiff with a copy of the Court's General Order Concerning Social Security Appeals, and further instructing Plaintiff to file the long overdue Statement of Errors by

March 8, 2012. (Doc. 8).

Unfortunately, now six months after Defendant filed the administrative record, Plaintiff still has not filed his Statement of Errors. Absent the filing of a Statement of Errors, this case cannot proceed. While some latitude may be extended to *pro se* litigants “when dealing with sophisticated legal issues...there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer.” *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). In order to pay heed to a defendant’s right to fair and timely resolution of litigation, *pro se* litigants should not “be accorded special consideration” when they fail to adhere to readily-comprehended court deadlines. See *id.*, 951 F.2d at 110.

Accordingly, **IT IS ORDERED:**

1. Plaintiff shall **SHOW CAUSE**, in writing on or before **April 27, 2012**, why this case should not be dismissed for failure to prosecute, based upon his failure to file a Statement of Errors and failure to comply with the Court’s January 24, 2012 Order;
2. Should Plaintiff fail to respond to this Order and/or fail to file and serve a “Statement of Errors” on or before **April 27, 2012**, the undersigned will recommend dismissal of this case for failure to prosecute.

s/ Stephanie K. Bowman

Stephanie K. Bowman
United States Magistrate Judge